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DOCKET NO. JBP0563USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Victoria F. Dole et al.  
Serial No.: 09/928,110 Group No.: 1617  
Filed: August 10, 2001 Examiner: Gina Yu  
For: SKIN CARE COMPOSITION THAT CHANGES  
COLOR UPON DRYING

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 10, 2005

(Date of Deposit)

Erin M. Harriman

Name of applicant, assignee, or Registered Representative

/Erin M. Harriman/

(Signature)

August 10, 2005

(Date of Signature)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Applicants petition for the revival of the above-identified application.

1. PETITION FEE

- ☒ Charge the petition fee of \$1500.00 to Account  
10-0750/JBP0563USNP/EMH and for any additional fee required. A  
duplicate of this petition is attached.
- ☐ A check in the sum of \$\_\_\_\_\_ is attached.
- ☒ Charge Account 10-0750/JBP0563USNP/EMH for any additional  
fee required.

08/15/2005 TBESHAH1 00000011 100750 09928110

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2. REPLY

The reply to the Notice of Non-Compliant Amendment mailed November 24, 2004 in the form of a Response to Non-Compliant Amendment is enclosed herewith and previously mailed with the Petition Under 37 CFR 1/137(a) on January 24, 2005.

3. TERMINAL DISCLAIMER

Since this utility application was filed on or after June 8, 1995 no terminal disclaimer is required.

4. STATEMENT

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(B) was unintentional.

Respectfully submitted,

/Erin M. Harriman/  
Erin M. Harriman  
Reg. No.: 40,410  
Attorney for Applicants

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New Brunswick, NJ 08933  
Tel. No.: (732) 524-3619  
Date: August 10, 2005



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RENEWED PETITION UNDER 37 CFR 1.137(b)

In response to the Decision on the petition under 37 CFR 1.137(a) mailed May 6, 2005, Applicants hereby submit a renewed petition under 37 CFR 1.137(b). A petition for a two month extension of time, extending the time period for response from July 6, 2005 to September 6, 2005 is filed concurrently herewith.

The petition under 37 CFR 1.137(a) filed by Applicants on January 28, 2005 was erroneously filed as a petition under 1.137(a). Applicants intended to file a petition under 1.137(b) - Petition For Revival Of An Application For Patent Abandoned Unintentionally. Attached hereto is the following:

- (1) Petition For Revival Of An Application For Patent  
Abandoned Unintentionally Under 37 CFR 1.137(b).
- (2) Petition for a Two Month Extension of Time.

Applicants respectfully request that the attached Petition be granted.

Very truly yours,

\_\_\_/Erin M. Harriman/\_\_\_  
Erin M. Harriman  
Reg. No.: 40,410  
Attorney for Applicant(s)

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Date: August 10, 2005



JBP0563USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Victoria Dole et al.

Serial No.: 09/928,110

Art Unit: 1617

Filed : August 10, 2001

Examiner: Gina C. Yu

For : **SKIN CARE COMPOSITION THAT CHANGES COLOR UPON DRYING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 26, 2005  
(Date of Deposit)

Erin M. Harriman  
(Name of applicant, assignee, or Registered Representative)

(Signature)

January 26, 2005  
(Date of Signature)

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir:

In response to the Notice of Non-Compliant Amendment mailed November 24, 2004, please accept the following corrected "Amendment to the Claims" section of Applicants Amendment document mailed May 4, 2004. Specifically, the "Amenment to the Claims" section has been corrected so that the canceled claims do not have text.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims**

Claim 1 (currently canceled).

Claim 2 (currently amended). The method composition of claim ~~14~~ 4, wherein the composition comprises ~~further comprising~~ a vehicle selected from water, water miscible liquids, and combinations thereof.

Claim 3 (currently amended). The method composition of claim 2 wherein the vehicle is water and the amount of water ranges from about 40 to about 90 percent by weight, based on the total weight of the composition.

Claim 4 (currently amended). The method composition of claim 3 wherein the composition is in a formulation selected from the group consisting of a paste, a cream, a lotion, and a gel.

Claim 5 (currently amended). The method composition of claim 4 further comprising at least one cleansing agent selected from the group consisting of nonionic surfactants, anionic surfactants, cationic surfactants, amphoteric surfactants, and mixtures thereof.

Claim 6 (currently amended). The method composition of claim 5 wherein the amount of cleansing agent is from about 0.1% to about 10% by weight, based upon the total weight of the composition.

Claim 7 (currently amended). The method composition of claim 4 further comprising from about 0.1 to about 30 percent by weight, based on the total weight of the composition of an emollient selected from the group consisting of polypropylene glycol-15 stearyl ether, polypropylene glycol-10 cetyl ether, steareth-10, oleth-8, PPG-4 lauryl ether, C<sub>12</sub> – C<sub>15</sub> alkyl benzoates, vitamin E acetate, polyethylene glycol-7 glyceryl cocoate, lanolin, glycerine, and combinations thereof.

Claim 8 (currently mended). The method composition of claim 4 further comprising from about 0.1 to about 40 percent by weight, based on the total weight of the composition of a humectant selected from the group consisting of glycerol, polyalkylene glycols, and alkylene polyols, including propylene glycol, dipropylene glycol, polypropylene glycol, and polyethylene glycol, sorbitol, hydroxypropyl sorbitol, hexylene glycol, 1,3-dibutylene glycol, 1,2,6,-hexanetriol, ethoxylated glycerol, propoxylated glycerol and mixtures thereof.

Claim 9 (currently amended). The method composition composition of claim 6 further comprising:  
from about 0.1 to about 30 percent by weight, based on the total weight of the composition of an emollient selected from the group consisting of polypropylene glycol-15 stearyl ether, polypropylene glycol-10 cetyl ether, steareth-10, oleth-8, PPG-4 lauryl ether, C<sub>12</sub> – C<sub>15</sub> alkyl benzoates, vitamin E acetate, polyethylene glycol-7 glyceryl cocoate, lanolin, glycerine, and combinations thereof; and  
from about 0.1 to about 40 percent by weight, based on the total weight of the composition of a humectant selected from the group consisting of glycerol, polyalkylene glycols, and alkylene polyols, including propylene glycol, dipropylene glycol, polypropylene glycol, and polyethylene glycol, sorbitol, hydroxypropyl sorbitol, hexylene glycol, 1,3-dibutylene glycol, 1,2,6,-hexanetriol, ethoxylated glycerol, propoxylated glycerol and mixtures thereof.

Claim 10 (currently amended). The method composition according to claim 1 wherein the colorant is selected from the group consisting of FD&C Blue #1 Lake, FD&C Blue #2 Lake, FD&C Red #40 Lake, Erythrosin Lake, Amaranth Lake, Ponceau 4R Lake, Carmoisosine Lake, Carmine Lake, anatto, and colorants generated by converting a naturally derived dye to an aluminum or calcium based salt.

Claim 11 (currently amended). The method composition according to claim 1 wherein the silica is selected from the group consisting of fumed silica, hydrated silica, silica gels, precipitated silica, and molecular sieves.

Claim 12 (currently canceled).


Claim 13 (currently canceled).

Claim 14 (NEW). A method of using the combination of colorant and silica to provide a color change upon drying wherein said colorant and silica are present in a facial mask composition.



Applicants believe that the foregoing presents a full and complete response to the Notice of Non-Compliant Amendment. If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-563/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Erin M. Harriman', written over a horizontal line.

Erin M. Harriman  
Reg. No. 40,410  
Attorney for Applicants

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January 26, 2004